THE HON'BLE SRI JUSTICE E. DHARMA RAO

W.P.No. 18620 of 2005

The petitioner in this writ petition seeks a declaration that the order in Lr.No.26/05 A, dated 13-7-2005 passed by the Mandal Revenue Officer, Badangi Mandal, Vizianagaram District, 2nd respondent herein, is illegal and arbitrary and for a consequential direction to assign the house site in his favour.

The case of the petitioner is that her mother was assigned a house site in the year 1982, that she died in the year 2002 leaving behind the petitioner and his married sister, that he was residing in the hut therein and that due to draught conditions he left the village in search of employment. Thereafter the petitioner came to know that the 2nd respondent passed the impugned order stating that the mother of the petitioner died ten years back, that her name was not recorded in voters list or in the ration card issued, that there are no legal heirs to her and that since she had violated the conditions of assignment, the house site patta that has been granted in her favour is cancelled. The petitioner submits that the said cancellation has been published in the village by tom-tom and thereupon after coming to know of the same he made a representation on 2-8-2005 along with a legal heir certificate issued by the Sarpanch of the village to the Revenue Divisional Officer, Parvathipuram, 1st respondent herein, for issuance of patta in his favour. The petitioner complains that the representation of the petitioner is still pending and not disposed of by the 1st respondent so far.

The learned counsel for the petitioner contends that the house site was assigned 33 years back in favour of her mother and she has been in possession till her death and thereafter the petitioner is in possession of the said house site, that the 2nd respondent illegally and without jurisdiction passed the impugned order canceling the

assignment of the house site and that therefore the impugned order is liable to be set aside.

Since the representation of the petitioner dated 2-8-2005 is pending consideration before the 1st respondent against the orders impugned, in my considered opinion, it is not expedient for this Court to determine the validity or otherwise of the impugned order and adjudicate the matter at this stage. However, it is just and reasonable to direct the 1st respondent to consider and dispose of the representation of the petitioner dated 2-8-2005 in accordance with law and after giving an opportunity to the petitioner, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

23rd August, 2005

BJ/